In the High Court of Uttaranchal, at Nainital.

Income Tax Appeal No. 48 of 2006

Sunil Kumar Gupta S/o Late Vigyan Prakash
R/o G-37, Race Course, Dehradun ..... Appellant.

Vs.

1- Union of India through Finance Secretary,
New Delhi.
2- Income Tax Appellate Tribunal, Delhi
Bench 'E', New Delhi.
3- Commissioner of Income tax (Appeals), Dehradun.
4- Assistant Commissioner of Income Tax,
Investigation Circle, Dehradun ..... Respondents.

Sri B.S. Negi, learned counsel for the appellant.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 20th February, 2006.

(Per: Hon'ble B.C. Kandpal, J.)

Present appeal has been preferred against the order dated 16-9-2005, passed by Income Tax Appellate Tribunal.

2- Brief facts of the case are that search and seizure operation was conducted under Section 132 of the Income Tax Act on 9-9-1988, in which cash was found and assessed. The Assessing Officer after considering the facts of the case came to the conclusion that the explanation given by the assessee is a cooked up story.

3- The appeal was preferred against the said order and the learned Commissioner Income Tax (Appeal) dismissed the same.

4- The assessee feeling aggrieved, preferred and appeal before the Income Tax Appellate Tribunal. The Income Tax Appellate Tribunal also dismissed the appeal of the assessee vide order dated 16-9-2005.

5- The assessee has preferred the appeal against the aforesaid impugned order before this court.

6- We have heard the learned counsel for the appellant and perused the record.

7- After considering the material on record and other prevailing circumstances of the case, we are of the considered opinion that the money found during the course of search, was unexplained money of the assessee. The orders passed by the learned I.T.A.T. does not suffer with any illegality or error of law. The findings of all the authorities are based on factual aspect and we do not find any substantial question of law involved in this case. The findings recorded by the authorities concerned are concurrent findings of facts, hence cannot be interfered with at this stage.

8- The appeal, therefore, being devoid of any merit, is liable to be dismissed.

9- Accordingly the appeal is dismissed.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB